

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:) NO: 21-41886-399
) CHAPTER 13
KACEY SCHULER,)
)
DEBTOR.) HEARING DATE: 8/4/21
) HEARING TIME: 10:00 AM
) COURTROOM 5N
)
)

TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO EXTEND AUTOMATIC STAY

Comes now Diana S. Daugherty, Standing Chapter 13 Trustee, and states as follows:

1. The Trustee admits the allegations contained in paragraphs 1 and 2.
2. The Trustee denies the allegations contained in paragraph 3, and further states as follows:
 - a. Debtor filed a Chapter 13 petition on August 22, 2018. (#18-45388, doc #1)
 - b. The case was voluntarily dismissed on the Debtor's motion on June 18, 2020. (doc #45)
 - c. Debtor filed a Chapter 13 petition on January 29, 2021. (#21-40332, doc #1)
 - d. The case was dismissed at a confirmation hearing for Debtor's failure to commence making plan payments on May 6, 2021. (doc #45)
 - e. That case had been pending for 4 months and Debtor had not made any payments to the Trustee.
 - f. The present case is Debtor's third Chapter 13 case pending within the past year.
 - g. Pursuant to 11 U.S.C. §362(c)(4)(A)(i), there is no automatic stay in effect; Debtor did not request permission to impose the automatic stay.
3. The Trustee denies the allegations contained in paragraph 4, and further states as follows:
 - a. Debtor filed her bankruptcy petition in #18-45388 on August 22, 2018.
 - b. The case was pending until June 18, 2020.
 - c. Debtor filed her bankruptcy petition in #21-40332 on January 29, 2021.

d. A proof of claim was filed by creditor Tea Olive LLC on March 5, 2021, for the debt owed to Easy Cash ASAP, LLC. (claim 12)

e. The filed proof of claim showed that the debt was incurred on December 9, 2019, while case #18-45388 was pending.

f. The Confirmation Order prohibited Debtor from incurring post-petition without prior Court permission; Debtor did not obtain Court permission to incur the debt.

WHEREFORE, the Trustee respectfully request that Court deny Debtor's motion to extend the automatic stay, and for any such further relief as the Court deems appropriate under the circumstances.

/s/ Jennifer M. Pontus
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on May 25, 2021, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on May 23, 2021.

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/s/ Jennifer M. Pontus
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